

AMENDED IN ASSEMBLY MAY 25, 2012

AMENDED IN ASSEMBLY MARCH 28, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

## ASSEMBLY BILL

**No. 1719**

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**Introduced by Assembly Member Fuentes  
(Coauthor: Assembly Member Brownley)**

February 16, 2012

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An act to add and repeal Section 60605.87 of the Education Code, relating to instructional materials.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1719, as amended, Fuentes. Supplemental instructional materials: English language development.

Existing law requires the State Board of Education to adopt basic instructional materials for use in kindergarten and grades 1 to 8, inclusive, and authorizes the state board to establish criteria for that purpose. Existing law requires the state board in reviewing and adopting instructional materials to use specified criteria and ensure that, in its judgment, the submitted instructional materials meet all of the specified criteria.

Existing law requires the State Department of Education to recommend, and the state board to approve, evaluation criteria to guide the development and review of supplemental instructional materials for English language arts and mathematics to provide a bridge between the California common core academic content standards and the standards-aligned instructional materials currently being used by local educational agencies. Existing law requires the state board to perform specified reviews and to approve or reject all, or a portion, of the list

of supplemental instructional materials proposed by the department and authorizes the state board to add an item to that list, as specified. Existing law also permits the governing board of a school district to approve supplemental instructional materials other than those approved by the state board if the governing board performs specified reviews and determines that other supplemental instructional materials are aligned with the California common core academic content standards and meet the needs of the pupils of the district. Existing law requires supplemental instructional materials approved by the state board and the governing board of a school district to be reviewed by content review experts, as specified.

This bill would require the department to recommend, and the state board to approve, evaluation criteria to guide the development and review of supplemental instructional materials for English learners. The bill would require the department to develop a list by January 1, 2014, of supplemental instructional materials that are aligned with the ~~California common core academic content standards for language arts~~ and the revised English language development standards. The bill would require content review experts, who are recommended by the department and approved by the state board, to review the supplemental instructional materials. The bill would require the state board to approve or reject supplemental instructional materials, as specified. The bill would authorize the governing boards of school districts and county boards of education to approve supplemental instructional materials other than those approved by the state board if the governing board of a school district or county board of education performs specified reviews and determines that other supplemental instructional materials are aligned with the ~~California common core academic content~~ revised English language development standards and meet the needs of the pupils who are English learners of the district.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) California and 40 other states have adopted common core
- 4 academic standards for language arts and mathematics to provide

1 consistent and clear expectations of what pupils need to learn to  
2 compete in a global economy.

3 (b) Eighty-five percent of the standards are common across the  
4 nation, with 1.5 percent unique to California.

5 (c) In 1999, California adopted the English language  
6 development standards for the purpose of stating what pupils must  
7 know and be able to do as they move toward full fluency in the  
8 English language. The standards are to work in tandem with the  
9 language arts academic standards; however, they have not been  
10 revised or aligned to the approved common core language arts  
11 standards.

12 (d) Chapter 605 of the Statutes of 2011 (~~A.B. 124~~) (*Assembly*  
13 *Bill 124*) requires the revision and alignment of the English  
14 language development standards as specified.

15 (e) There are currently 1.4 million pupils who are English  
16 learners and enrolled in California public schools.

17 (f) It is critical that “bridge” supplemental instructional materials  
18 be available to English learners that reflect both the common core  
19 language arts and English language development standards in order  
20 for pupils to be held accountable to the common core language  
21 arts standards via assessments.

22 (g) School districts, county offices of education, and charter  
23 schools, at a minimum, need supplemental English language  
24 development instructional materials to ensure teachers and pupils  
25 have the proper tools to begin to bridge the curriculum between  
26 the state’s current content standards in language arts to the English  
27 language development standards.

28 SEC. 2. Section 60605.87 is added to the Education Code, to  
29 read:

30 60605.87. (a) The department shall recommend, and the state  
31 board shall approve, evaluation criteria to guide the development  
32 and review of supplemental instructional materials for English  
33 learners.

34 (b) Notwithstanding any other law, and on a one-time basis, the  
35 department, on or before January 1, 2014, shall develop a list of  
36 supplemental instructional materials for use in kindergarten and  
37 grades 1 to 8, inclusive, that are aligned with the ~~California~~  
38 ~~common core academic content standards for language arts and~~  
39 ~~the revised~~ English language development standards *adopted*  
40 *pursuant to Section 60811.3*. The supplemental instructional

1 materials shall provide a bridge between the revised and aligned  
2 English language development standards to the California common  
3 core—academic language arts—content standards—and the  
4 standards-aligned instructional materials currently being used by  
5 local educational agencies.

6 (c) (1) The department shall recommend, and the state board shall  
7 *board shall* approve, content review experts to review, in an open  
8 and transparent process, supplemental instructional materials  
9 submitted for approval in the subject area of English language  
10 development.

11 (2) The majority of content review experts approved pursuant to  
12 *pursuant to* paragraph (1) shall be elementary and secondary  
13 *school* teachers who are credentialed in English language *English*  
14 *language* arts, possess the appropriate state English learner  
15 authorization, and have five years of classroom experience  
16 instructing English learners. The content review experts also shall  
17 include appropriate persons possessing English learner expertise  
18 from postsecondary institutions and school and school district  
19 curriculum administrators possessing English learner expertise,  
20 and other persons who are knowledgeable in English language arts  
21 and English language development.

22 (3) The content review experts shall serve without compensation.

23 (d) (1) On or before June 30, 2014, the state board shall do the  
24 following:

25 (A) Approve all, or a portion, of the list of supplemental  
26 instructional materials proposed by the department, taking into  
27 consideration the review of the content review experts and any  
28 other relevant information, as appropriate.

29 (B) Reject all, or a portion, of the list of supplemental  
30 instructional materials proposed by the department, taking into  
31 consideration the review of the content review experts and any  
32 other relevant information, as appropriate.

33 (2) If the state board rejects all, or a portion, of the list of  
34 supplemental instructional materials proposed by the department,  
35 or adds an item to the list, the state board, in a public meeting held  
36 pursuant to the Bagley-Keene Open Meeting Act (Article 9  
37 (commencing with Section 11120) of Chapter 1 of Part 1 of  
38 Division 3 of Title 2 of the Government Code), shall provide  
39 written reasons for the removal or addition of an item on the list.  
40 The state board shall not approve a supplemental instructional

1 material it adds to the list at the same time it provides its written  
2 reason for adding the material; instead, the state board shall  
3 approve the added material at a subsequent public meeting.

4 (e) (1) The governing board of a school district and a county  
5 board of education may approve supplemental instructional  
6 materials other than those approved by the state board pursuant to  
7 subdivision (d) if the governing board of a school district or county  
8 board of ~~education determines~~ *education determines* that other  
9 supplemental instructional materials are aligned with the ~~California~~  
10 ~~common core academic content and revised~~ English language  
11 development standards *adopted pursuant to Section 60811.3* and  
12 meet the needs of pupils who are English learners of the district.  
13 The governing board of a school district or the county board of  
14 education may only approve supplemental ~~instructional materials~~  
15 *instructional materials* that comply with all of the following:

16 (A) The evaluation criteria approved pursuant to subdivision  
17 (a).

18 (B) Section 60226.

19 (C) Subdivision (h).

20 (D) Article 4 (commencing with Section 60060) of Chapter 1.

21 (2) (A) A supplemental instructional material approved by a  
22 governing board of a school district or county board of education  
23 pursuant to this ~~subdivision~~ *subdivision* that is in the subject  
24 area of English language development shall be reviewed by content  
25 review experts chosen by the governing board.

26 (B) The majority of the content review experts chosen pursuant  
27 to subparagraph (A) shall be elementary and secondary *school*  
28 teachers who are credentialed in English language arts, possess  
29 the appropriate state English learner authorization, and have five  
30 years of classroom experience instructing English learners.

31 (C) The content review experts also shall include appropriate  
32 persons possessing English learner expertise from postsecondary  
33 institutions and school and school district curriculum administrators  
34 possessing English learner expertise, and other persons who are  
35 knowledgeable in English language arts and English language  
36 development.

37 (D) The content review experts shall serve without  
38 compensation.

1 (f) Publishers choosing to submit supplemental instructional  
2 materials for approval by the state board shall submit standards  
3 maps.

4 (g) (1) Before approving supplemental instructional materials  
5 pursuant to this section, the state board shall review those  
6 instructional materials for academic content, social content, and  
7 instructional support to teachers and pupils. Supplemental  
8 instructional materials approved by the state board pursuant to this  
9 section shall meet required program criteria for grade-level  
10 programs and shall include materials for use by teachers.

11 (2) Before approving supplemental instructional materials  
12 pursuant to this section, the governing board of a school district  
13 or county board of ~~education~~*shall education shall* review those  
14 instructional materials for academic content and instructional  
15 support to teachers and pupils who are English learners.  
16 Supplemental instructional materials approved by the governing  
17 board of a school district or county board of education pursuant  
18 to this section shall meet required program criteria for grade-level  
19 programs and shall include materials for use by teachers.

20 (h) Supplemental instructional materials approved pursuant to  
21 this section shall comply with the social content review  
22 requirements pursuant to Section 60050.

23 (i) The department shall maintain on its Internet Web site the  
24 list of supplemental instructional materials approved by the state  
25 board pursuant to subdivision (d).

26 (j) This section shall become inoperative on July 1, 2014, and,  
27 as of July 1, 2015, is repealed, unless a later enacted statute, that  
28 becomes operative on or before July 1, 2015, deletes or extends  
29 the dates on which it becomes inoperative and is repealed.